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RECEIVED

OCT 28 2002

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Re: U.S. Patent Application
Serial No.: 09/697,123
Filed: October 27, 2000
For: rPOB GENE FRAGMENTS AND A METHOD FOR THE DIAGNOSIS
AND IDENTIFICATION OF MYCOBACTERIUM TUBERCULOSIS AND
NON-TUBERCULOSIS MYCOBACTERIAL STRAINS
Inventor(s): Lee et al.
Attorney Docket No.: 0217-0004

TECH CENTER 1600/2900

Sir:

The following documents are forwarded herewith for appropriate action by the
U.S. Patent and Trademark Office:

1. Response to Restriction Requirement (2 pages); and
2. One (1) Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of
filing of these documents, and that it be returned to our courier.

Respectfully submitted,

SHANKS & HERBERT



Date: 10-25-02

Shelly Guest Cermak
Reg. No. 39,571

SGC:ewm
Encl.

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#10
CD
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Lee et al.

Art Unit: 1634

OCT 28 2002

Serial No.: 09/697,123

Examiner: D.B. Johannsen TECH CENTER 1600/2900

Filed: October 27, 2000

Atty. Docket: 0217-0004

For: rPOB GENE FRAGMENTS AND A METHOD
FOR THE DIAGNOSIS AND IDENTIFICATION OF
MYCOBACTERIUM TUBERCULOSIS AND NON-
TUBERCULOSIS MYCOBACTERIAL STRAINS

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 30, 2002, requesting an election of claims in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the claims of Group II (Claims 2-5), without traverse.

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more divisional applications to the non-elected groups. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 50-0622.

Respectfully submitted,
SHANKS & HERBERT



By: Shelly Guest Cermak
Reg. No. 39,571

Date: 10-25-02

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